

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

(stamp)

To:

**Rec'd PCT/PTO 18 APR 2005**

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## PCT

### NOTIFICATION OF TRANSMITTAL OF INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Rule 71.1)

Date of mailing (day/month/year)	26.08.2004
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Applicant's or agent's file reference 345285/D20676	IMPORTANT NOTIFICATION
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International application No. PCT/FR 03/03053	International filing date (day/month/year) 16.10.2003	Priority date (day/month/year) 16.10.2002
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Applicant PIERRE FABRE MEDICAMENT et al.
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1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.
4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the International preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The Applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purpose of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purpose of deciding whether, in that State, the claimed invention is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the IPEA/	Authorized officer:
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# PATENT COOPERATION TREATY



## PCT

### INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or Agent's file reference	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/FR 03/03053	International filing date ( <i>day/month/year</i> ) 16.10.2003	Priority date ( <i>day/month/year</i> ) 16.10.2002
International Patent Classification (IPC) or national classification and IPC C07D307/86		
Applicant PIERRE FABRE MEDICAMENT et al.		

<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 4 sheets including this title page.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Instruction 607 of Administrative Instructions of the PCT).</p> <p>These annexes consist of a total of            sheets.</p>
<p>3. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> <li>I <input checked="" type="checkbox"/> Basis of the report</li> <li>II <input type="checkbox"/> Priority</li> <li>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</li> <li>IV <input type="checkbox"/> Lack of unity of invention</li> <li>V <input checked="" type="checkbox"/> Reasoned statement according to Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</li> <li>VI <input type="checkbox"/> Certain documents cited</li> <li>VII <input type="checkbox"/> Certain defects in the international application</li> <li>VIII <input type="checkbox"/> Certain observations on the international application</li> </ul>

Date of submission of the demand 17.05.2004	Date of completion of this report 26.08.2004
<b>Name and mailing address of the IPEA</b>   European Patent Office D-80298 Munich Tel. +49 89 2399 - 0, Tx: 523656 epmu d Fax: +49 89 2399 - 4465	<b>Authorized officer:</b>  Boletti-Cremers, K  Telephone No. +49 89 2399-8541  

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. PCT/FR 03/03053

**I. Basis of the report**

1. This report has been drawn up on the basis of the following elements *(the replacement sheets received by the receiving office in response to an invitation according to Article 14 are considered in the present report as "originally filed" and are not annexed to the report as they contain no amendments (Rules 70.16 and 70.17).):*

**Description, pages:**

1-30 as originally filed

**Claims, No.:**

1-6 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. PCT/FR 03/03053

5. ☐ This report has been written disregarding (some of) the amendments, which were considered as going beyond the description of the invention, as filed, as is indicated below (Rule 70.2(c)):

*(All replacement sheets comprising amendments of this nature should be indicated in point 1 and attached to this report).*

6. Additional observations, if necessary:

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty	Yes:	Claims	1-6
	No:	Claims	
Inventive Step	Yes:	Claims	1-6
	No:	Claims	
Industrial Applicability	Yes:	Claims	1-6
	No:	Claims	

2. Citations and explanations

**see separate sheet**

## **POINT V.**

The following documents, cited in the International Search Report, were considered as being relevant for the examination of the present application. Their numbering will be retained for the remainder of the procedure:

- (1) WO-A-99 58527.
- (2) WO-A-00 58282, cited in the application
- (3) WO-A-99 51575, cited in the application
- (4a) JP-A-05 125024, cited in the application.

### **1. Novelty.**

None of the compounds claimed, which are useful for the treatment of schizophrenia, is described in the documents above. The application as claimed is therefore novel with respect to the content of (1)-(4a).

### **2. Inventiveness**

As was judiciously noted by the Applicant in the description of the application, (4a) represents the closest prior art.

In the light of the tables of (4a), it appears that the compounds claimed are not suggested in (4a) and that therefore the application as claimed can be considered as being inventive in relation to (4a).

### **3. Formal point**

- 3.1 (1) should be cited and discussed in the description when the application reaches the regional phase.